

# EXPRESS ABANDONMENT UNDER 37 CFR 1.138

Send completed form to: Mail Stop Express Abandonment  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/621,791
Filing Date	July 16, 2003
First Named Inventor	Kenji Yamagami
Art Unit	2163
Examiner Name	Patrick A. Darno
Attorney Docket Number	16869B-082800US

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. ☐ **Express Abandonment**  
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☒ **Express Abandonment in Favor of a Continuing Application**  
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

**NOTE:** A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01

**TO AVOID PUBLICATION, PLEASE USE FORM PTO/SB/24A INSTEAD OF THIS FORM.**

- I am the ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration Number 53,205
- ☐ attorney or agent acting under 37 CFR 1.34(a) (may act under 37 CFR 1.34(a) only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_  
(Attorney or agent registration number)

  
Signature

February 28, 2006  
Date

Rodney C. LeRoy for George B. F. Yee  
(Reg. No. 37,478)

Typed or printed name

650-326-2400

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representatives(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1000

### Complete if Known

Application Number Unassigned 10/02/791  
 Filing Date Herewith  
 First Named Inventor Yamagami, Kenji  
 Examiner Name Unassigned  
 Art Unit Unassigned  
 Attorney Docket No. 16869B-082810US

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Small Entity		Small Entity		Small Entity		
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	1000
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
1	-20 or HP = 0	x \$50	= \$0			

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
1	-3 or HP = 0	x \$200	= \$0

HP = highest number of independent claims paid for, if greater than 3

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

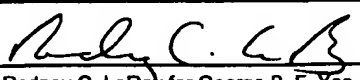
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/ 50 =	(round up to a whole number) x	=

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: \_\_\_\_\_

### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 53,205	Telephone 650-326-2400
Name (Print/Type)	Rodney C. LeRoy for George B. F. Yee	(37,478)	Date February 28, 2006

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U.S. PTO

PTO/SB/05 (05-05)

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	16869B-082810US
	First Inventor	Yamagami, Kenji
	Title	METHOD AND APPARATUS FOR DATA RECOVERY USING STORAGE BASED JOURNALING
	Express Mail Label No.	EV 656 875 911 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
<p>1. <input checked="" type="checkbox"/> <b>Fee Transmittal Form</b> (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> <b>Applicant claims small entity status.</b> See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> <b>Specification</b> [Total Pages <u>28</u>] Both the claims and abstract must start on a new page (For information on the preferred arrangement, see MPEP 608.01(a))</p> <p>4. <input checked="" type="checkbox"/> <b>Drawing(s)</b> (35 U.S.C. 113) [Total Sheets <u>11</u>]</p> <p>5. <b>Oath or Declaration</b> [Total Sheets <u>2</u>] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> A copy from a prior application (37 CFR 1.63 (d)) (for a continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input checked="" type="checkbox"/> <b>Application Data Sheet.</b> See 37 CFR 1.76</p> <p>7. <input type="checkbox"/> <b>CD-ROM or CD-R</b> in duplicate, large table or Computer Program (Appendix) <input type="checkbox"/> Landscape Table on CD</p> <p>8. <b>Nucleotide and/or Amino Acid Sequence Submission</b> (if applicable, items a. - c. are required) a. <b>Computer Readable Form (CRF)</b> i. <input type="checkbox"/> Computer Readable Form (CRF) ii. <input type="checkbox"/> Transfer Request (37 CFR 1.821(e)) b. <b>Specification Sequence Listing on:</b> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies</p>	<b>ACCOMPANYING APPLICATION PARTS</b> <p>9. <input type="checkbox"/> <b>Assignment Papers</b> (cover sheet &amp; document(s)) Name of Assignee _____</p> <p>10. <input type="checkbox"/> <b>37 CFR 3.73(b) Statement</b> <input type="checkbox"/> <b>Power of Attorney</b> (when there is an assignee)</p> <p>11. <input type="checkbox"/> <b>English Translation Document</b> (if applicable)</p> <p>12. <input type="checkbox"/> <b>Information Disclosure Statement</b> (PTO/SB/08 or PTO-1449) <input type="checkbox"/> Copies of foreign patent documents, publications, &amp; other information</p> <p>13. <input type="checkbox"/> <b>Preliminary Amendment</b></p> <p>14. <input checked="" type="checkbox"/> <b>Return Receipt Postcard</b> (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> <b>Certified Copy of Priority Document(s)</b> (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> <b>Nonpublication Request</b> under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input checked="" type="checkbox"/> <b>Other:</b> Express Abandonment Under 37 CFR 1.138 for U.S. Patent Application No. 10/621,791</p>

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 10/621,791

Prior application information: Examiner Patrick A. Damo Art Unit: 2163

**19. CORRESPONDENCE ADDRESS**

☒ The address associated with Customer Number: 20350 OR ☐ Correspondence address below

Name					
Address					
City	State	Zip Code			
Country	Telephone	Email Address			

Signature	<u>Rodney C. LeRoy</u>	Date	February 28, 2006
Name (Print/Type)	Rodney C. LeRoy	Registration No. (Attorney/Agent)	53,205